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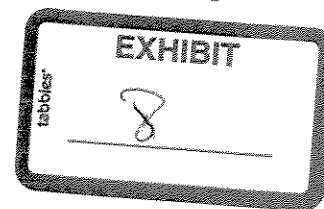
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JAMES H. STEINBOCK

The Facts

"I was provided with additional input that was radically different from the truth. I assisted in furthering that version." - Oliver North



The EPA Report

The Facts

In December of 1992 the EPA released it's now famous report on second hand smoke. The report claimed that SHS causes 3,000 deaths a year, and classified it as a class 1 carcinogen.

Understanding The Numbers

This was, and remains, a powerful weapon in the anti-smokers arsenal. If a smoker is only hurting himself, he can argue that it's no one else's business. But if he is hurting everyone around him, all kinds of restrictive legislation can be justified.

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Epidemiology 101

[Death Records Search](#)
Search death records nationwide. Get name, date of death, and more.
www.peoplefind.com

Epidemiology 102

Is SHS really deadly? Let's examine the facts carefully.

Fact: In 1993 the EPA issued a report which claimed that Environmental Tobacco Smoke (ETS) caused 3,000 deaths per year.

Studies

Fact: ETS is commonly referred to as Second Hand Smoke (SHS). The two terms are interchangeable.

[Death Records Search](#)
Find death records on anyone in the US. Free summary.
www.public-records.com

The EPA Report

After reading each of the following facts, ask yourself "Does this fact make the study more credible, or less credible?"

The WHO Study

Fact: The EPA announced the results of the study before it was finished.

Fact: The study was a Meta Analysis, an analysis of existing studies.

[UK Death Statistics 1984-2003](#)
Search every death record in England & Wales instantly.
www.tracesmar.co.uk

Smoking Bans And Businesses

Meta Analysis is very difficult to do accurately, and is the easiest kind of study to fake and manipulate. With a disease as rare as lung cancer, leaving out just a few important studies can skew the results considerably.

Businesses Harmed

[Search US records](#)
Find records for all 50 US states. Get started free trial.
genealogy.com

Ban Studies

The term "Meta Study" is often used to describe this type of report, but the word "study" is inaccurate. The EPA has never conducted nor financed a single ETS study. They have only analyzed the studies of others. It is more accurate to refer to it as an analysis, and to its publication as a report.

Ban Links

Fact: The first step in a meta analysis is identifying all of the relevant studies. The EPA located 33 studies that compared ETS exposure to lung cancer rates.

**Fighting The
NYS Ban**

Odds and Ends

The Truth

Agendas

Links

Fact: The EPA selected 31 of the 33 studies. Later they rejected one of their chosen studies, bringing the total to 30.

Fact: On page 3-46 of the report the EPA estimates, based on nicotine measurements in non-smokers blood, "this would translate to the equivalent of about one-fifth of a cigarette per day."

Fact: Studies that measured actual exposure by having non-smokers wear monitors indicate even this low estimate is exaggerated. Actual exposure (for people who live and/or work in smoky environments) is about six cigarettes per year. (See also the study by Oak Ridge National Laboratories.)

Fact: In 1995 The Congressional Research Service (CRS) released a review of the EPA report.

The CRS was highly critical of both the EPA's methods and conclusions.

Fact: According to the CRS "The studies relied primarily on questionnaires to the case and control members, or their surrogates, to determine EST exposure and other information pertinent to the studies.

Questionnaires can be notoriously inaccurate, as discussed in Epidemiology 102, in this case some of them were not even filled out by the people being studied, but by "surrogates." In other words, some of the information was unverified hearsay.

Fact: The CRS pointed out that "from a group of 30 studies, . . . six found a statistically significant (but small) effect, 24 found no statistically significant effect and six of the 24 found a passive smoking effect opposite to the expected relationship."

Fact: Three other large US studies were in progress during the EPA's study. The EPA used data from one uncompleted study, the Fontham study, and ignored the other two, Brownson and Kabat.

Fact: The Fontham study showed a small increase in risk. The CRS report referred to it as "a positive risk that was barely statistically significant." (p. 25)

Fact: The CRS report said the Brownson study, which the EPA ignored, showed "no risk at all." (p.25)

Fact: The "scientists" who conducted the Fontham study refused to release the raw data for years. Philip Morris recently won a lawsuit to gain access to it.

Most researchers routinely make their raw data available after studies have been published. Does Fontham's refusal to make the data available make them more credible or less credible?

Fact: The EPA based their numbers on a meta analysis of just 11 studies. The analysis showed *no* increase in risk at the 95% confidence level.

Fact: Even after excluding most of the studies, the EPA couldn't come up with 3,000 deaths, but they had already announced the results. So they doubled their margin of error. Let me repeat that, because it may seem hard to believe: After failing to achieve their pre-announced results by ignoring half of the data, *they doubled their margin of error!*

Would any legitimate epidemiologist keep their job if they were caught doubling their margin of error to support a pre-announced conclusion?

Fact: After juggling the numbers, The EPA came up with an RR (Relative Risk) of ETS causing lung cancer 1.19. In layman's terms that means:

- Exposure to the ETS from a spouse increases the risk of getting lung cancer by 19%.
- Where you'd usually see 100 cases of cancer you'd see 119.

Fact: A RR of less than 2.0 is usually written off as and insignificant result, most likely to be due to error or bias. An RR of 3.0 or higher is considered desirable. (See Epidemiology 101 for more details.)

This rule is routinely ignored when the subject is second hand smoke.

Facts: In review: The EPA *ignored nearly two-thirds of the data*. The EPA then *doubled their margin of error* to come up with their desired results. Even with all this manipulation, the numbers are *still* far too low to be considered statistically significant.

Fact: Although the EPA declared ETS was a Class A carcinogen with an RR of 1.19, in analysis of other agents they found relative risks of 2.6 and 3.0 insufficient to justify a Group A classification.

Fact: In 1998 Judge William Osteen vacated the study - declaring it null and void after extensively commenting on the shoddy way it was conducted. His decision was 92 pages long.

Fact: Osteen used the term "cherry-picking" to describe the way the EPA selected their data. "First, there is evidence in the record supporting the accusation that EPA "cherry picked" its data. Without criteria for pooling studies into a meta- analysis, the court cannot determine whether the exclusion of studies likely to disprove EPA's a priori hypothesis was coincidence or intentional. Second, EPA's excluding nearly half of the available studies directly conflicts with EPA's purported purpose for analyzing the epidemiological studies and conflicts with EPA's Risk Assessment Guidelines."

Fact: Osteen found other deep flaws in the the EPA's methodology. In his judgment he stated: "The record and EPA's explanations to the court make it clear that using standard methodology, EPA could not produce statistically significant results with its selected studies. Analysis conducted with a .05 significance level and 95% confidence level included relative risks of 1. Accordingly, these results did not confirm EPA's controversial a priori

hypothesis. In order to confirm its hypothesis, EPA maintained its standard significance level but lowered the confidence interval to 90%. This allowed EPA to confirm its hypothesis by finding a relative risk of 1.19, albeit a very weak association. EPA's conduct raises several concerns besides whether a relative risk of 1.19 is credible evidence supporting a Group A classification. First, with such a weak showing, if even a fraction of Plaintiffs' allegations regarding study selection or methodology is true, EPA cannot show a statistically significant association between ETS and lung cancer."

Fact: The following is another direct quote from Judge Osteen's decision: "In this case, EPA publicly committed to a conclusion before research had begun; excluded industry by violating the Act's procedural requirements; adjusted established procedure and scientific norms to validate the Agency's public conclusion, and aggressively utilized the Act's authority to disseminate findings to establish a de facto regulatory scheme intended to restrict Plaintiffs, products and to influence public opinion. In conducting the ETS Risk Assessment, disregarded information and made findings on selective information; did not disseminate significant epidemiologic information; deviated from its Risk Assessment Guidelines; failed to disclose important findings and reasoning; and left significant questions without answers. EPA's conduct left substantial holes in the administrative record. While so doing, produced limited evidence, then claimed the weight of the Agency's research evidence demonstrated ETS causes cancer. Gathering all relevant information, researching, and disseminating findings were subordinate to EPA's demonstrating ETS a Group A carcinogen."

Most of the media ignored the judge's decision.

When confronted with this decision, many anti-tobacco activists and organizations harp on the fact that Judge Osteen lives in South Carolina. The obvious implication is that he's influenced by the tobacco industry in his state. It may also be an appeal to the "stupid southerner" stereotype.

Fact: Judge Osteen has a history of siding with the government on tobacco cases.

Fact: In 1997 Judge Osteen ruled the FDA had the authority to regulate tobacco.

So much for his alleged bias.

Fact: Although this study has been thoroughly debunked by science and legally vacated by a federal judge, it is still regularly quoted by government agencies, charity organizations and the anti-smoking movement as if it were legitimate.

Fact: Anyone referring to EPA classifying ETS as a Class A carcinogen is referring to this study.

Opinion: You should seriously question the credibility of anyone who refers to this study, or any of the conclusions that it reached, as if they were facts. That includes everyone who refers to the EPA's ruling that ETS is a Class A Carcinogen. Once they do, every subsequent statement they make should be considered highly suspicious until it is thoroughly verified.

Fact: Most of the information on this page was gleaned from Judge Osteen's 92 page decision, the CRS report, and the EPAs study.

You are strongly encouraged to read these documents yourself. You can find the judge's entire decision here. The CRS report is available here. The EPA report over six hundred pages long, and we recommend you order a hard copy. It is available to US citizens at no charge. Call (800) 438-4318 and ask for document EPA/600/6-90/006F. The title of the report is "Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders." It is also available as on line as a pdf file. It is nearly four megabytes, so it may take a while to download.

Fact: Carol Browner, the former head of the EPA, *still* insists that this study is valid!

More Information

More ETS information from FORCES.

Enough facts, already. Now for some opinions:

Sidney Zion, in the New York Daily News

Steven J. Milloy in the Washington Times

The LA Times on the EPA's agenda

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The Facts

"There is no nonsense so errant that it cannot be made the creed of the vast majority by adequate governmental action."

- Bertrand Russell

The Facts

Studies on the Economic Effects of Bans

Understanding The Numbers

Anti-smoker activists claim smoking bans are good for business. They claim their prove it. This page examines how they concoct their numbers. We won't be dissect any one study, instead we'll give you the tools to pick apart any study funded by a smokers.

Epidemiology 101

Fact: All Bans are Not Created Equal.

Epidemiology 102

Nannies often point to California's ban to "prove" bans are good for business. According to state tax revenues, California's hospitality industry experienced a 5% increase in revenue the year after the ban was passed. Nannies ignore the fact the ban was imposed at the peak of the most successful economic period in our country's history, when other states were reporting 10-15% increases in the same venues.

Studies

The EPA Report

California's ban was quite different from most recently passed restrictions. The CA exempted owner-operated bars. (Some places made all their employees part owner to take advantage of this exemption. Some small taverns fired all their employees so could qualify for the exemption) But the biggest difference between CA and other where bans have killed business is the climate. The near perpetual summer of CA, combined with few restrictions on outdoor smoking, made it fairly easy for most to provide an outdoor smoking area. In contrast, NY state winters feature subzero chills, and the NY law limits outdoor smoking to 25% of outdoor seating. It even made it illegal to provide any kind of awning, umbrella, or cover for smokers. (How mespirited is that?)

The WHO Study

Smoking Bans And Businesses

In areas where the bans are not strictly enforced, compliance with the law may be as 50%. Obviously, establishments that are not complying are not suffering because the ban. They may even increase their business, as smokers will patronize their businesses instead of places that enforce the ban. The issue of compliance is ignored in these studies.

Businesses Harmed

Fact: Bans affect some business much more than others.

Ban Studies

Obviously, a business that already prohibits smoking isn't going to be affected at all by a ban. These include delicatessens, bakeries, fast food chains, and take out places. These places usually benefit from ban, because they are patronized by smokers who decide to stay home. Anti-smokers usually include these unaffected businesses in their studies.

Ban Links

Odds and Ends

Smoking is less common among the wealthy, so bars and restaurants catering to an upscale crowd aren't nearly as affected as places with a working-class clientele. (S

The Truth**Agendas****Links**

taverns report 80-90% of their patrons are smokers.) Small town diners, where people like to hang around and chat after a meal, are also hurt by bans. The economic differences between upscale and working class palaces gives the nanny's studies a particular advantage. If a small diner loses \$200 dollars a day, it may represent a 5 loss for their business, while an upscale restaurant can make up that difference with single meal.

Fact: Studies funded by anti-smoker groups usually include places that are not all affected by bans, as well as those where the effect is minimal.

The most important part of any hospitality business is location, location, location. When the smoking ban was issued in New York, bars near the borders of smoker-friendly states and their smoking customers, along with the smokers non-smoking friends, make the short trip to New Jersey or Pennsylvania so they can enjoy themselves without being harassed. Border bars in those states are reporting record profits, while NY taverns near the border are closing down for lack of customers.

Bingo Halls usually report losses of 50% or more due to bans. Many have closed. Bingo is a very social game. People go there to hang out with their friends as much as they go to play the game. Many patrons simply don't go if they can't smoke. As a result, depending on bingo profits have to cut back on services, and sometimes eliminate completely.

Referring to the effect of smoking bans, Dan Plonka of Bingo Caller Magazine said "Some organizations have completely lost every single penny of profit--their losses have been over 100 percent. Other organizations are down about 10 to 15 percent; most are down about 50 percent of the profits."

Don't look for bingo halls in the anti-smoker studies - you won't find them.

Bowling alleys are also ignored in most of these studies. They have a unique problem. A smoker can't just step outside for a smoke while wearing bowling shoes. They have to change their shoes twice each time they wanted a cigarette. Most of them don't want to bother. Laurel Bowl, in San Luis Obispo, CA, had been successful for thirty-four years before California's statewide ban. Three Hundred and Eighty-five league bowlers quit because of the ban, which cost the business \$200,000 in annual revenues. The place struggled along for another year, then closed its doors.

Distributors, those who supply beer and liquor to bars and restaurants, often report severe losses. They, too, are ignored in studies.

Pool Halls don't usually serve much food or alcohol. They're left out of most studies as well, even though their losses are usually severe.

Business that sell and service air cleaning units are affected. If there are no smoke filters, there's no reason to buy an air cleaner. If the bar has already purchased one, there's no need to turn it on, or to have the filter changed.

Business that market and maintain vending machines in taverns are also affected. Juke boxes, dart machines, juke boxes and video games, and, of course, cigarette machines.

experience a decrease in business in direct proportion to the decrease in the establishment's customers.

Fact: I've examined many studies by funded by anti-smoker groups. Every one completely ignored bowling alleys, pool halls, bingo parlors, and other businesses that are heavily impacted by bans.

Virtually all of the studies on economic impact have been conducted by anti-smoker groups, or governments justifying their laws. But in 2004 The Empire State Restaurant and Tavern Association funded a study that was conducted by Ridgewood Economic Associates. It concentrated on small, independent taverns. **They found that bars and taverns in the state have lost about 2,000 jobs, \$28.5 million in salary payments and \$37 million in gross state product.** The response of the anti-smoker groups was predictable: they claimed that The Empire State Restaurant and Tavern Association was a front for the tobacco industry. This is a *blatant* lie.

Fact: Studies funded by anti-smoker groups achieve their numbers by

- Including many business which are not affected by bans
- Under-representing business that are the most impacted by bans.
- Excluding many of the business that are most devastated by the bans (Bingo Halls, Pool Rooms, Bowling Alleys, Distributors, etc.)
- Ignoring the issue of compliance.

Recently the anti's began touting a study conducted by Tobacco Control. It is a meta-analysis, (the easiest kind of study to fake and manipulate,) studying studies about the economic impact of bans.

They conclude only studies funded by tobacco companies show harm to business. The flip side, of course, is that *only studies funded by anti-smoker organizations show bans are good for business*. To put it more succinctly, the results of studies of the economic effects of bans reflect the agendas of those funding the studies. Surprise, surprise.

In closing, we offer a question to anyone supporting bans. The bar and restaurant business is fiercely competitive, and the people running venues are smart enough to do everything they can to increase their bottom line. If banning smoking really were good for their business, wouldn't they have discovered it by now, and wouldn't that make laws mandating bans unnecessary?

Additional Information:

Economic Losses Due to Smoking Bans in California and Other States. An honest look at the real numbers.

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Smoking Out Bad Science

By Lorraine Mooney

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Wall Street Journal - European Edition (March 12, 1998)

For the past 15 years the anti-smoking lobby has pushed the view that cigarette smoking is a public health hazard. This was a shrewd tactic. For having failed to persuade committed smokers to save themselves, finding proof that passive smoking harmed non-smoking wives, children or workmates meant smoking could be criminalized. Last week the science fell off the campaign wagon when the definitive study on passive smoking, sponsored by the World Health Organization, reported no cancer risk at all.

But don't bet that will change the crusaders' minds. Smoking, like fox hunting, is something that certain factions want to ban simply because they don't like it. It has slipped from a health crusade to a moral one. Today, National No smoking Day in Britain will be marked by demagoguery from the Department of Health, which has already set its agenda to ban smoking. The U.K. Scientific Committee on Tobacco or Health (SCOTH) report on passive smoking, due out Thursday, is headed by a known anti-tobacco crusader, Professor Nicholas Wald of the Royal London School of Medicine.

However, it is now obvious that the health hazard of environmental tobacco smoke (ETS) has been knowingly overstated. The only large-scale definitive study on ETS was designed in 1988 by a WHO subgroup called the International Agency on Research on Cancer (IARC). It compared 650 lung-cancer patients with 1,542 healthy people in seven European countries. The results were expressed as "risk ratios," where the normal risk for a non-smoker of contracting lung cancer is set at one. Exposure to tobacco smoke in the home raised the risk to 1.16 and to smoke in the workplace to 1.17. This supposedly represents a 16% or 17% increase. But the admitted margin of error is so wide--0.93 to 1.44--that the true risk ratio could be less than one, making second-hand smoke a health benefit.

This is what anyone with common sense might have expected. After all, the dose makes the poison. But in 1988, IARC decreed mainstream tobacco smoke as a carcinogen, fully expecting that the second-hand product would have a similar, lower effect which would be capable of measurement by linear extrapolation. In anticipation of confirmation of this belief many countries have been adopting anti-smoking policies in the name of public health. The U.S. Environmental Protection Agency has confidently stated that 3,000 Americans die annually from inhaling environmental tobacco smoke, and the state of California leads the pack with a total smoking ban in all public places enacted on Jan. 1, 1998. Although Iran did enact such a ban in 1996, this was overturned as unconstitutional. The Indian city of Delhi has a smoking ban and Britain is working toward one.

Before the IARC study, no other reliable study on ETS was available. For the effect of the modestly increased risk of ETS to be detected, the number of cases in the study must be very high in order to distinguish the effect from other background noise. Acting in the most unscientific manner, the U.S. EPA decided to pool results of 11 studies, 10 of which were

individually non- significant, to arrive at a risk ratio of 1.19. As is always a problem with this kind of meta-analysis, the studies were all different from each other in various ways so that they were not measuring the same thing.

Last October, the British Medical Journal ran the results of a similarly flawed study by SCOTH's Mr. Wald claiming an increased risk of lung cancer from ETS of 26%. It was supported by an editorial and timed to coincide with noise from the anti-smoking lobby and a Department of Health press release, talking of "shocking" figures and alluding to innocent victims. The Wald report has been dismissed as a "statistical trick" by Robert Nilsson, a senior toxicologist at the Swedish National Chemicals Inspectorate and a professor of toxicology at Stockholm University. He says that there are so many unacknowledged biases in Mr. Wald's analysis that the alleged risk figure is meaningless. For example, Mr. Wald relies on data from the memories of spouses as to how much their dead partner used to smoke. Survey bias is often considerable, potentially far higher than the 26% estimate of increased risk, but this is not even mentioned by the authors. Mr. Nilsson also explains that Mr. Wald's meta-analysis has pooled data from non-comparable studies. His most stinging criticism is aimed at the BMJ editorial board, who he considers must be "innocent of epidemiology" to have allowed publication of the Wald paper in its existing form. Nevertheless the U.K. SCOTH inquiry into ETS due to report on Thursday, with Mr. Wald at the helm, will probably ignore the flaws of the Wald study and brand ETS a killer.

New Labour has done a U-turn on fox hunting. Will it do one on Thursday when SCOTH reports? Or will it ignore the best evidence and press on with public smoking bans? My guess is that two climbdowns in a month is one too many. It will remind us all this week that smoking is bad for you and eventually ban it in public.

Ms. Mooney is medical demographer for the Cambridge-based European Science and Environment Forum.

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